

MUNGER, TOLLES & OLSON LLP

560 MISSION STREET  
SAN FRANCISCO, CALIFORNIA 94105-2907  
TELEPHONE (415) 512-4000  
FACSIMILE (415) 512-4077

June 7, 2022

Writer's Direct Contact  
(415) 512-4017  
(415) 644-6917 FAX  
kelly.klaus@mto.com

**VIA ECF**

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Planck, LLC, d/b/a Patch Media v. Particle Media, Inc., d/b/a News Break et al.*,  
No. 20-cv-10959, Joint Letter Requesting Pre-Motion Conference

Dear Judge Schofield:

Pursuant to Section 4(d) of the Fourth Amended Civil Case Management Plan and Scheduling Order entered on May 31, 2022 (Dkt. No. 96) (the "Scheduling Order"), the parties respectfully request a pre-motion conference on their joint request to temporarily stay or adjourn the deadlines set forth in the Scheduling Order to permit the parties to participate in a mediation.

Section 4(d) of the Scheduling Order states that counsel believe mediation would be appropriate after the close of fact discovery. Dkt. No. 70 § 4(d). As stated in the joint status letter filed on June 6, 2022 (Dkt. No. 98), the parties have now conducted an extensive amount of fact discovery, including completing fact depositions as of June 3, 2022. Under the Scheduling Order, the parties must meet-and-confer regarding expert disclosures by June 8, 2022, submit pre-motion letters on summary judgment motions by July 6, 2022, and complete expert discovery by July 8, 2022. Dkt. No. 96 §§ 9(b), 9(c), 13(b).

In light of the discovery completed to date, the parties believe it would maximize efficiency and conserve judicial resources to explore whether resolution can be reached through mediation before incurring additional expense with expert reports, expert depositions, and summary judgment briefing. The parties believe that a stay or extension of existing deadlines would facilitate settlement discussions and allow the parties to conduct mediation before a private mediator.

Accordingly, the parties respectfully request that the Court order (i) that the parties use best efforts to secure a mediator and complete mediation within the next 60 days; (ii) that the parties submit a joint status report on the first to occur of (A) 60 days after this order or (B) within 2 business days of having scheduled a mediation, whichever date occurs first; and (iii) that the Court stays all case management deadlines pending submission of the joint status report.

The parties appreciate the Court's consideration of this request and would be pleased to discuss these matters with the Court at a pre-motion conference.

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*/s/ Peter Schalk*

Judd Burstein

JUDD BURSTEIN, P.C.

*Attorneys for Plaintiff*

*/s/ Kelly M. Klaus*

Kelly M. Klaus

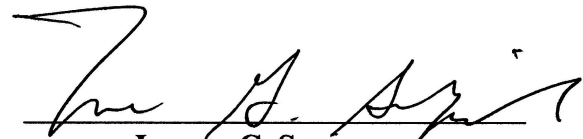
MUNGER, TOLLES & OLSON LLP

*Attorneys for Defendants*

The application is **GRANTED IN PART**. The parties are advised that discovery deadlines are not typically stayed or extended to accommodate the use of any alternative dispute mechanism. Discovery is stayed for sixty (60) days while the parties pursue private mediation. By **July 8, 2022**, the parties shall file a joint letter regarding the status of mediation. By **August 8, 2022**, the parties shall file a letter stating whether they have reached a resolution through mediation. If, by August 8, 2022, the parties have not reached a resolution, an expert discovery schedule will issue. The Clerk of Court is respectfully directed to close the motion at Docket No. 99.

Dated: June 9, 2022

New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE